

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

11694 08/96
16/501/9
PTO

Applicant(s): Zuo-Yu Zhao et al.

Docket No.: 190.0001 0102

Titled: METHODS FOR AGROBACTERIUM-MEDIATED TRANSFORMATION

Assistant Commissioner for Patents
ATTN: Box Patent Application
Washington, D.C. 20231

We are transmitting the following documents along with this Transmittal Sheet (which is submitted in duplicate):

A return postcard.

A Petition for Extension of Time for ___ month(s) and a check in the amount of \$___ for the required fee.

A signed Combined Declaration and Power of Attorney.

A check in the amount of \$___, for ___.

An Information Disclosure Statement (1 pg) and 1449 form (4 pgs).

A certified copy of a ___ application, Serial No. ___, filed ___, 199___, the right of priority of which is claimed under 35 U.S.C. 119.

Other: Request for Filing a Divisional Application Under Rule 37 C.F.R. 1.60 (3 pgs); copy of previously filed application (52 pgs); copy of previously filed Declaration and Power of Attorney (3 pgs); copy of originally filed drawings (1 pg); Preliminary Amendment (4 pgs).

A check in the amount of \$954 to cover the filing fee, which is calculated below:

| APPLICATION FILING FEE | | | | | |
|---|------------------------|-------------------------------------|------------------------|----------------------|--------------|
| | Number of Claims Filed | Claims Included in Basic Filing Fee | Number of Extra Claims | Cost per Extra Claim | Fee Required |
| Total Claims | 12 | - 20 = | 0 | x \$22 = | \$0 |
| Independent Claims | 5 | - 3 = | 2 | x \$82 = | \$164 |
| One or More Multiple Dependent Claims Presented? If Yes, Enter \$270 Here → | | | | | \$0 |
| Enter Basic Filing Fee (Utility Patent-\$790/Design Patent-\$330) Here → | | | | | \$790 |
| Total Application Filing Fee | | | | | \$954 |

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 13-4895. A duplicate copy of this sheet is enclosed.

MUETING, RAASCH, GEBHARDT & SCHWAPPACH, P.A.
P.O. Box 581415, Minneapolis, MN 55458 (612-305-1220)

By: Myra H. McCormack
Name: Myra H. McCormack
Reg. No. 36,602
Direct Dial: 612-305-1225 (MHM/smcc)

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EM520295489US

Date of Deposit: November 3, 1997

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, ATTN: Box Patent Application, Washington, D.C. 20231.

By: Jill R. Price
Name: Jill R. Price

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| Docket Number | Anticipated Classification | | Prior Application | |
|---------------|----------------------------|----------|-------------------|----------|
| | Class | Subclass | Examiner | Art Unit |
| 190.00010102 | | | G. Benzion | 1803 |

**REQUEST FOR FILING A DIVISIONAL APPLICATION
UNDER RULE 37 C.F.R. §1.60**

#2/Pu-A
AR.
03/23/98

Assistant Commissioner for Patents
Attn: Box Patent Application
Washington, D.C. 20231

Sir:

This is a request for filing a divisional application under 37 CFR §1.60 of Serial No. 08/788,018, filed on January 24, 1997, entitled METHODS FOR AGROBACTERIUM-MEDIATED TRANSFORMATION by the following inventors:

Zuo-Yu Zhao
4866 84th Street
Urbandale, Iowa 50322
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Weining Gu
7074 Hickory Lane
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Citizenship: China

Dorothy A. Pierce
9124 Hammontree Ave.
Urbandale, Iowa 50322
Citizenship: USA

- Enclosed is a copy of the latest inventor-signed application (specification, claims, and drawings), including a copy of the oath or declaration showing the original signature or an indication that it was signed. I hereby verify that the papers being filed herewith are a true and correct copy of prior application serial number 08/788,018, and further that all statements made herein of my own knowledge are true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 or Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.
- Cancel in this application original claims 1-24, 27-34, 37-44, 47-55, and 61 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

3. A preliminary amendment is enclosed (the filing fee calculation includes any new claims). (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)
4. The filing fee is calculated below:

| CLAIMS AS FILED | | | |
|------------------------------------|--------------|------|--------------------|
| NUMBER FILED | NUMBER EXTRA | RATE | BASIC FEE \$790 |
| Total Claims 12- 20 = | 0 | \$22 | \$0 |
| Independent Claims 5 - 3 = | 2 | \$82 | \$164 |
| MULTIPLE DEPENDENT CLAIM PRESENTED | | | \$270 |
| FILING FEE: | | | \$954 |

5. A Verified Statement that this filing is by a small entity (37 CFR §§1.9, 1.27, 1.28) is:
 - already filed in the parent application.
 - attached.
6. A check in the amount of \$ 954 is attached.
7. The Commissioner is hereby authorized to charge any additional fees as set forth in 37 CFR §1.16 to 1.18 which may be required by this paper or credit any overpayment to Account No. 13-4895.
8. Amend the specification by inserting as the first sentence on page 1, the following: ✓ This is a division of application Serial No. 08/788,018, filed January 24, 1997, (pending), which is incorporated herein by reference. ✓
A1
9. Formal drawings are enclosed.
10. Priority of foreign application Serial No. ___, filed on ___ in (country) ___ is claimed under 35 U.S.C. §119.
11. The prior application is assigned of record to Pioneer Hi-Bred International, Inc.

12. The Power of Attorney in the prior application is to:

MUETING, RAASCH, GEBHARDT & SCHWAPPACH, P.A.
P.O. Box 581415
Minneapolis, Minnesota 55458-1415

Address all future communications to: (may only be completed by attorney or agent of record)

MUETING, RAASCH, GEBHARDT & SCHWAPPACH, P.A.
P.O. Box 581415
Minneapolis, Minnesota 55458-1415

Attn: Myra H. McCormack
(Telephone: 612-301-1225)

Date: November 3, 1997
MHM/sm

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"Express Mail" mailing label number EM520295489US

Date of Deposit November 3, 1997

I hereby certify that this paper and/or fee is/are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Attn: Box Patent Application, Washington, D. C. 20231.

Jill R. Price
Jill R. Price